

LIQUOR ADVISORY BOARD
Tuesday, October 16, 2012
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members:

Alicia Neubauer
Aaron Magdziarz
Dennis Olson
Dan Roszkowski
Julio Salgado
Craig Sockwell

Amended 11-27-12

Absent:

Scott Sanders

Staff:

Jennifer Cacciapaglia – City Attorney
Todd Cagnoni – Deputy Director, Construction & Development Services
Jon Reitman – Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others:

Alderman Frank Beach
Alderman Nancy Johnson
Alderman Linda McNeely
Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, October 29, 2012, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the

top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Dennis Olson to **APPROVE** the minutes of the September meeting as submitted. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-0 with Alicia Neubauer and Dan Roszkowski abstaining and Scott Sanders absent.

012-LAB-029

Applicant
Ward 8

3835 Broadway

Konrad Kallenbach d/b/a K MARCO INC.

Sale of liquor by the drink in conjunction with a bar and grill (tavern and restaurant) and the sale of liquor by the drink in conjunction with an outdoor seating area in a C-2, Limited Commercial District and R-1, Single-family Residential Zoning District

The subject property is located on the South side of Broadway between Eastmoreland and Log Cabin and is the vacant American Legion. Konrad Kallenbach, Applicant, Mark Milburn, and Attorney Mario Tarara were present. Attorney Tarara explained the Applicant is wanting to attract the previous VFW members and same type of clientele such as was there when it was the VFW. Mr. Sockwell asked what type of music was planned. Mr. Kallenbach stated a juke box and the occasional DJ. Attorney Tarara further stated Mr. Kallenbach has experience, as he current owns a business in Belvidere similar to the proposed business.

Mr. Kallenbach stated the outdoor area about will be approximately 12' x 15' and basically used as a smoking area. He felt the lower outside area could easily be used as a smoking area. Mr. Kallenbach feels the nature of his business requires a smoking area to attract customers. He stated no music would be on the outside but then added there would be a couple of small speakers. Mr. Kallenbach explained both he and Mr. Milburn grew up in this area and they would like to return to Rockford.

Staff Recommendation is for Approval with 11 conditions. Objectors and Interested Parties were present. Three letters of Objection were received.

Gerald and Evelyn Doty, 1504 Eastmoreland, adjacent property owners, submitted a letter of objection prior to this meeting. The letter stated the Doty's felt a bar and grill with outdoor seating will be in their back yard with a totally different type of clientele than the older veterans who frequented the VFW Club. They are asking the new owners to "install a fence, either metal or wood, to prevent any of the late nighters from going thru our property to exit on Eastmoreland".

David McCue, and Diane McCue, 1602 Remington Road, not adjacent property owners, were present as Objectors and also provided a letter of Objection. Mr. McCue reiterated his concern with Big Foot Lounge stated this had started out as a bar/restaurant with the promise that that was their intent. He said it has turned into a strip club with problems of loitering, littering, sex acts on the outside of the premises, and vehicles speeding through the neighborhood at 2:00 in the morning. He feels he has complained for years about this problem and is told there is nothing that can be done about it. He is concerned that the Applicant's business will start out with good intentions and then change into a similar situation. He further stated there are 8 establishments with a liquor license within ¼ mile of his house. Mrs. McCue said the entrance to the Applicant's property is also on Log Cabin, which is a residential neighborhood. Drag races in the middle of the night have woken her frequently, and there have been cases of vehicles ending up on people's yard.

Linda Ksiazek, 3802 15th Avenue, adjacent property owner, spoke in Objection and also submitted a letter of Objection. She stated her bedroom is across the parking lot from the Applicant's location. She explained they have had problems with the Sports Page with people in the parking lot, debris thrown out

from their patrons, arguments and other disruptions. She is wanting to know where the patrons of the Applicant's bar will be parking. She feels the patrons will end up being like those of the Sports Page. She understands this area needs new business but not another bar.

William Treadman, 3818 16th Avenue, not an adjacent property owner, was also present as an Objector. Mr. Treadman feels this area of the neighborhood will become congested with bars. On page 3 of the zoning report, he stated he did not understand the requirement of landscaping along Log Cabin Avenue. He is asking why it is the responsible of the current Applicant to complete the landscaping if it was not completed by the previous owner years ago. He states a 14 year old child was struck by a drunk driver coming from Big Foot. He stated he will provide a petition next Monday evening to City Council and will speak before City Council urging them to deny this application. Attorney Cacciapaglia later explained to Mr. Treadman and the Board that a discussion at City Council would not be allowed. The issue is that the applicant would not have the opportunity to respond and reiterated the explanation at the beginning of this meeting that tonight's meeting is the opportunity for interested parties and Objectors to speak. She also explained that anyone at any time may contact the Alderman either by writing or directly in order to make their concerns known.

Alderman Nancy Johnson was present and expressed her appreciation of the efforts of Linda Ksiazek and William Treadman in getting information out to their neighbors. She stated she very much understands the frustration of Mr. McCue. She wanted to express that this application is for a new owner for the existing establishment. This application is not for a night club and a condition of approval states it will not function as a night club. If Mr. Kallenbach wished to have a night club in the future he would have to come back before the Board. She stated if the staff can work with Mr. Kallenbach on some of the concerns of the neighbors, she would be in support of this application.

In response, Attorney Tarara reviewed the Objector's concerns. He stated his clients are aware that parking requirements must be met per Staff's specifications and that will be done. He further stated they understand the concern of the area residents and it is not their intent to run the type of business that has caused them problems. Regarding a request for fencing, he stated he believes the fencing was a request brought on by the assumption that there would be music outdoors. It is their intent to carry on the spirit of the legion hall and not their intent to change the establishment. Mr. Kallenbach stated he was a member of the legion and wishes to maintain that type of atmosphere.

Mr. Cagnoni stated the landscaping is required whether this item is approved or denied.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Sale of liquor by the drink in conjunction with a bar and grill (tavern and restaurant) and the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Konrad Kallenbach d/b/a K MARCO INC. in a C-2, Limited Commercial District and R-1, Single-family Residential Zoning District at 3835 Broadway with conditions 1-11. The Motion was **SECONDED** by Craig Sockwell and **FAILED TO CARRY** by a vote of 2-4 with Dennis Olson, Julio Salgado, Alicia Neubauer and Dan Roszkowski voting Nay.

Conditions of the motion were:

1. Must meet all applicable liquor codes
2. Must meet all applicable building and fire codes
3. Submittal of a site plan including landscaping frontage along Broadway and striping of parking spaces to meet current code for Staff's review and approval.
4. Installation of landscape units along Log Cabin Avenue and Broadway to be completed by May 1, 2013.
5. Removal of free-standing sign along Broadway to be replaced with one (1) landmark style sign.
6. That there shall be no cover charge, DJ, or live entertainment.
7. Hours are limited to Monday through Sunday 11:00 A.M. to 2:00 A.M.
8. That the premises have (1) security staff for every (50) customers.
9. That the property not function as a night club with a cover charge, dance floor/stage area over 150 square feet.

10. That the outdoor seating area to close by 10:00 P.M. during the weekdays and midnight on weekends.
11. The plan for the outdoor seating area must be submitted for Staff's review and approval prior to issuance of a building permit.

With no further business to come before the Board, the meeting was adjourned at 6:40 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board